

SLR:LDM:MDH
F. #2012V00377

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

STIPULATION OF SETTLEMENT

TWO HUNDRED EIGHTY-NINE THOUSAND
EIGHT HUNDRED DOLLARS (\$289,800.00)
SEIZED FROM LUIS DAMIAN JACAS ON
NOVEMBER 17, 2011, et al.,

Civil Action No. 12-CV-2173 (SJ)

Defendants in rem.

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WHEREAS, on or about May 2, 2012, the government filed a verified complaint in rem and the Court issued a warrant for the arrest of articles in rem, finding probable cause to believe that the above-captioned assets, including \$873,479.00 in United States Currency seized from Irwin Gutman on November 17, 2011 (the "Defendant Funds"), are subject to seizure and forfeiture to the United States pursuant to 18 U.S.C. §§ 981 and 1956;

WHEREAS, Irwin Gutman (the "Claimant") filed a verified claim asserting an ownership interest in the Defendant Funds as well as an answer to the United States' verified complaint in rem and;

WHEREAS, notice was sent to Claimant and all other known potential claimants, and notice was published on an official government forfeiture site, www.forfeiture.gov, for at least thirty (30) consecutive days, beginning on May 11, 2012 and ending on June 9, 2012;

WHEREAS, with the exception of Claimant, no other person or entity has filed with the United States Secret Service or the United States a claim or verified statement of interest with respect to the Defendant Funds, and the time in which to do so has expired;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties as follows:

1. Claimant represents that he is the sole owner of the Defendant Funds. In his capacity as sole owner of the Defendant Funds, Claimant is authorized to execute this and all other documents necessary to effectuate the settlement of this action with respect to the Defendant Funds.

2. Upon entry of a Decree of Forfeiture and Order for Delivery, the United States agrees to return to Claimant the sum of \$573,479.00.

3. In consideration of the foregoing, Claimant agrees to forfeit to the United States, pursuant to 18 U.S.C. §§ 981 and 1956, the remaining \$300,000.00 of the Defendant Funds and all proceeds traceable thereto, including all interest that has accrued on the Defendant Funds since the date of the seizure (the "Forfeited Funds").

4. The United States and Claimant agree, understand, and acknowledge that neither of the parties to this Stipulation admit or acknowledge any liability whatsoever to the other and, further, that the parties specifically deny any such liability. Neither this Stipulation nor any payment hereunder is to be construed as an admission of liability by either party.

5. Claimant agrees to release, remise, and forever discharge plaintiff United States of America and its agencies, agents, officers, and employees, past and present, from all claims or causes of action which Claimant and his agents, assigns, representatives, and successors ever had, now have, or hereafter may have against plaintiff and its agencies, agents, officers, and employees, past and present, for or on account of the commencement of this action, the seizure, restraint, and forfeiture of the Defendant Funds, and the settlement of this action.

6. Claimant waives his rights, if any, to use the instant action or its settlement as a basis for any statutory or constitutional defense, including, without limitation, defenses based upon the Double Jeopardy Clause of the Fifth Amendment and the Excessive Fines Clause of the Eighth Amendment in any other civil, criminal, or administrative action.

7. The parties agree that each party shall bear its own costs and attorney's fees, and Claimant further agrees to waive any and all rights, if any, he has to recover attorney's fees under the Equal Access to Justice Act, the Civil Asset Forfeiture Reform Act, or any other legal or statutory bases.

8. Claimant shall send to counsel for the United States two executed copies of the Stipulation of Settlement and a completed and typed ACH form (sections 2 and 3). Upon receipt thereof, counsel for the United States shall submit to the Court an order directing the government to return to Claimant the sum of \$573,479.00, less any debts owed to the United States or that the United States is authorized to collect, and forfeiting to the United States the balance of the Defendant Funds, in the amount of \$300,000.00, and all proceeds traceable thereto, including all interest accrued on the Defendant Funds since the date of seizure. The monies returned to Claimant will be in the form of an ACH payment made payable as indicated in the completed ACH form returned to the United States and routed to the bank as provided by Claimant and as indicated on the ACH form.

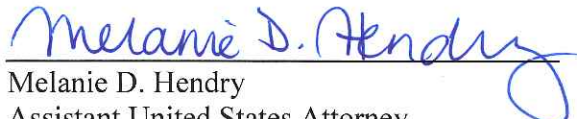
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9. The District Court shall retain jurisdiction of this action to enforce this settlement.

Dated: Brooklyn, New York
April 23, 2013

LORETTA E. LYNCH
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
Attorney for Plaintiff

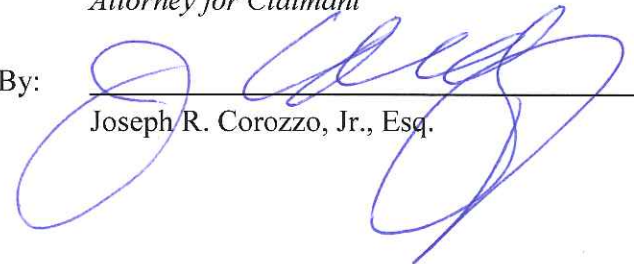
By:


Melanie D. Hendry
Assistant United States Attorney

Dated: New York, New York
April 23, 2013

RUBINSTEIN & COROZZO, LLP
260 Madison Avenue, 22nd Floor
New York, New York 10016
Attorney for Claimant

By:


Joseph R. Corozzo, Jr., Esq.

AGREED AND CONSENTED TO BY:


Izak Irwin Gutman
Claimant

On the 23 day of April in the year 2013, Izak Irwin Gutman, known to me, the undersigned, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to above, personally appeared before me and that by his signature on the within instrument, executed the same.


NOTARY PUBLIC

YVETTE RAMOS
Notary Public, State of New York
No. 01RA5034896
4 Qualified in Bronx County
Commission Expires Oct 24, 2014
2014